

Attorney's Docket: 2002DE135
Serial No.: 10/669,483
Group: 1714

REMARKS

The Office Action mailed October 5, 2005, has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. The amendments made herein are fully supported by the Application as originally filed. No new matter has been added. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

CLAIM STATUS

Claims 1-21 are pending in this Application. By this Amendment, Applicants have amended claim 1, 8, 9, and 14-19. Claims 10-13 have been cancelled. Consequently, the claims under consideration are believed to include claims 1-9 and 14-21.

Paragraphs 0035 and 0038 have also been amended.

Specification

The disclosure is objected to as the Office finds that in Paragraph 0038 melamine polyphosphate is characterized as an inorganic compound. Paragraph 0038 has been amended to delete reference to melamine polyphosphate while such compound has been added to Paragraph 0035.

Claim Rejections Under 35 USC § 112, First Paragraph

Claims 10 and 13 stand rejected under 35 USC § 112, first paragraph as failing to comply with the enablement requirement. Claims 10-13 have been deleted, and, therefore, this rejection is now moot.

Claim Rejections Under 35 USC § 112, Second Paragraph

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to include all of the limitations of the base claim and any intervening claims. By this amendment, the subject matter of now cancelled claim 10 has been imported into claim 1.

35 USC § 102, §103 and Judicially Created Obviousness-type Double Patenting Rejections Over Horold US 6,420,459.

Claims 1-9, 11-13 and 15-21 stand rejected under 35 USC § 102(b) as being anticipated by Horold 6,240,459. The Office also rejects the same claims under 35 USC § 103(a). In addition, the Office rejects claims 1-21 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 6,420,459. These rejections are respectfully overcome.

By the Amendment to claim 1, all of the subject matter of allowable claim 10 has been imported into claim 1. In addition, Applicants have added ammonium polyphosphate and melamine polyphosphate to the Markush group for the at least one synergistic component.

Except for ammonium polyphosphate and melamine polyphosphate, given the importation of dependent claim 10 into claim 1, it is Applicants' position that the 35 USC § 102, 103 and the obviousness-type double patenting rejections have been overcome with respect to such elements. contend

Concerning the ammonium polyphosphate and melamine polyphosphate, nowhere in Horold are either of these compounds disclosed, taught or suggested. In consequence, it is courteously believed that Applicants' claimed invention could not be anticipated thereby.

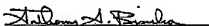
Regarding obviousness, as stated above, Horold does not mention, disclose or suggest ammonium polyphosphate or melamine polyphosphate. As these compounds are not taught by Horold, it is Applicants' respectful position that one with ordinary skill in the art could derive no motivation to include such constituents in

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its flame retardant composition. In view thereof, it is Applicants contend that the 35 USC § 103 and Obviousness-type Double Patenting Rejections in view of Horold, U.S. 6,420,459, have been overcome.

In view of the forgoing amendments and remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, he is requested to contact the attorney for Applicants at the telephone number provided below.

Respectfully submitted,


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